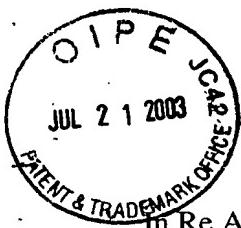


# 10



Attorney Docket No. PA181ACA2C1  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of  
**Ephraim Zehavi, et al.**

**Serial No.: 09/851,655**

**Filed: May 9, 2001**

**For: Method and Apparatus for  
Providing Variable Rate Data in a  
Communications System Using  
Non-Orthogonal Overflow Channels**

**Examiner: Phuongchau Ba Nguyen**

**Group Art Unit: 2665**

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b))**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

Dear Sir:

JUL 23 2003

**OFFICE OF PETITIONS**

1. This application became abandoned on June 17, 2003.
2. This petition is filed:

- within one year of the date of abandonment.
- within three months of the date of the first decision on a petition to revive under 37 CFR 1.137(a) which was filed within one year of the date of abandonment.
- the three month period has been extended up to July 17, 2003.
- enclosed is a petition and fee for extension of the three month period to July 17, 2003.

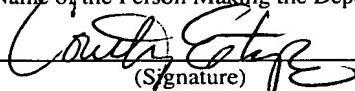
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

July 16, 2003

(Date of Deposit)

Courtney Etnyre

(Name of the Person Making the Deposit)



(Signature)

07/22/2003 AWNDNAF1 00000052 170026 09851655

1300.00 DA

3. This application became abandoned unintentional.

4. Proposed response:

has been filed.

is attached.

The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application co-pending with this application.

5. Fee (37 CFR 1.17(m))

Application status is:

RECEIVED

small entity – fee \$650.00.

Verified Statement attached.

Verified Statement filed.

other than small entity – fee \$1,300.00.

JUL 23 2003

OFFICE OF PETITIONS

6. Payment of fee:

Please charge Deposit Account No. 17-0026 of QUALCOMM Incorporated in the amount of \$(Type Amount).

The Commissioner is hereby authorized to charge payment of any additional fees which may be required, or credit any overpayment, to said Deposit Account No. 17-0026. A duplicate of this sheet is enclosed.

The Commissioner is further hereby authorized to charge to said Deposit Account No. 17-0026, pursuant 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire pendency of this application without specific additional authorization.

The undersigned declares further that all statements made herein are of his or her own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: July 16, 2003

By: \_\_\_\_\_

Jae-Hee Choi  
Reg. No. 45,288

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502

### AMENDMENT TRANSMITTAL FORM



Assistant Commissioner for Patents  
Washington, D.C. 20231

Attorney Docket No.: PA181ACA2C1  
In Re Application of: Ephraim Zehavi  
Serial Number: 09/851,655  
Filed: May 9, 2001  
Examiner: P. B. Nguyen  
Group Art Unit: 2665

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JUL 23 2003

OFFICE OF PETITIONS

Dear Sir:

Transmitted herewith for filing is a Response to Office Action in the above-identified application.

Applicant hereby petitions for a 3-month extension of time to file the enclosed Response.

CLAIMS	(a) Number Remaining After Amendment	(b) Highest Number Previously Paid For	(c) Extra Claims	Large Entity Fee	Fee Paid		
Total*	45	28	17	x \$18 =	\$308		
Independent**	10	5	5	x \$84 =	\$420		
Multiple Dependent Claim(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			\$280	\$		
EXTENSION FEES	<input type="checkbox"/> One Month		\$110	\$			
	<input type="checkbox"/> Two Months		\$410	\$			
	<input checked="" type="checkbox"/> Three Months		\$930	\$930			
TERMINAL DISCLAIMER			\$110	\$			
			TOTAL FEE	\$1658			

\*If the number in column a is less than 20, enter 0 in column c.

\*\*If the number in column a is less than 3, enter 0 in column c.

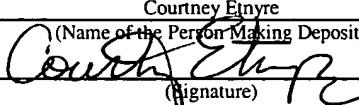
5.  Fee check in the amount of \$\_\_\_\_\_ is enclosed to pay for any claim and/or extension fees.
6.  Please charge Deposit Account No. 17-0026 of QUALCOMM Incorporated the amount of \$1658  
The Commissioner is hereby authorized to charge payment of any additional fees which may be required, or credit any overpayment to said Deposit Account No. 17-0026. A duplicate of this sheet is enclosed for fee processing.
7.  The Commissioner is further hereby authorized to charge to said Deposit Account No. 17-0026, pursuant to 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire pendency of this application without specific additional authorization.

Date: July 16, 2003

Signature: 

Jae Lee Choi  
Attorney for the Applicant  
Registration No. 45,288

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 651-1179  
Facsimile: (858) 658-2502

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on:	
July 16, 2003	
(Date of Deposit)	
Courtney Etnyre	
(Name of the Person Making Deposit)	
	
(Signature)	